

**REMARKS**

This Amendment is in response to the Final Office Action dated November 30, 2006. All objections and rejections are respectfully traversed.

Claims 1-55 are in the case.

Claims 1, 11, 16 and 21 are currently amended.

New claims 44-55 are currently added.

**Request for Interview**

The Applicant respectfully requests a telephonic interview with the Examiner after the Examiner has had an opportunity to consider this Amendment, but before the issuance of the next Office Action. The Applicant may be reached at 617-951-3074.

**Rejections under 35 U.S.C. §102**

At paragraph 8 of the Office Action, claims 1, 9-11, 16, 30 and 32 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,795,866 to Mankude et al. (hereinafter “Mankude”).

Claim 1, representative in part of the other rejected claims sets forth:

1. A method for uniformly distributing data transmitted by a server over a plurality of underlying links of an aggregate within a computer network, the method comprising the steps of:

defining a unit of data as a datagram having an Internet protocol (IP) identifier (ID);

apportioning the datagram into at least one fragment at the server;

associating each fragment to an underlying link of the aggregate **on the basis of the IP ID and a number of active links of the aggregate**; and

transmitting the fragment over its associated underlying link from the server to the computer network to transmit fragments of the datagram over the same associated underlying link.

The Examiner indicated that “Mankude discloses associating each fragment to an underlying link of the aggregate … on the basis of an Internet protocol (IP) identifier (ID) of each datagram and a number of active links of the aggregate [i.e. the system uses a packet identifier from the fragment to look up an entry for the packet within a packet forwarding data structure] [Abstract; col. 2, lines 11-27 and lines 57-63]...”

Applicant submits that, contrary to the Examiner’s characterization, Mankude is silent concerning “associating each fragment to an underlying link of the aggregate **on the basis of the IP ID and a number of active links of the aggregate**” as particularly claimed. Mankude’s discussion of using a packet identifier to look up an entry within a packet forwarding data structure does not teach or suggest associating the fragment with a link based on a number of active links, or more particularly, based on both the IP identifier and a number of active links as particularly claimed.

Since Mankude does not disclose each and every element of claim 1, Applicant respectfully submits that the rejection of claim 1 and similarly claims 9-11, 16, 30 and 32 under 35 U.S.C. §102(e) should be withdrawn.

#### Rejections under 35 U.S.C. §103

At paragraph 17 of the Office Action, claims 2, 3, 12, 13, 17 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mankude in view of U.S. Patent No. 6,791,982 to Westberg (hereinafter “Westberg”).

At paragraph 22 of the Office Action, claims 4, 14 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mankude in view of U.S. Patent No. 6,157,955 to Narad et al. (hereinafter “Narad”).

At paragraph 17 of the Office Action, claims 5, 15 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mankude in view Narad and further in view of Westberg.

At paragraph 28 of the Office Action, claims 21, 22, 27-29, 31, 33-37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mankude in view of U.S. Patent No. 6,563,829 to Lyles et al. ("hereinafter "Lyles").

At paragraph 38 of the Office Action, claims 23, 24, 38 and 39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mankude in view of Lyles and further in view of Westberg.

At paragraph 42 of the Office Action, claims 25, 26 and 40 were rejected under 35 U.S.C. §103(a) over Mankude in view of Lyles and further in view of Narad.

At paragraph 46 of the Office Action, claim 41 was rejected under 35 U.S.C. §103(a) over as being unpatentable over Mankude in view of Lyles and further in view of Narad and Westberg.

Applicant respectfully submits that the rejections under 35 U.S.C. §103(a) should be withdrawn for the reasons set forth above with respect to claim 1.

New Claims:

New claim 52 representative in part of new claims 44-55 recites:

51. A method for uniformly distributing data transmitted by a server over a number of underlying links of an aggregate within a computer network, the method comprising the steps of:

selecting a datagram for transmission, the datagram having an Internet protocol (IP) identifier (ID);

selecting a link from a plurality of available links for transmitting the datagram;

**breaking the datagram into fragments; and**

**sending all of the fragments down the selected link.**

Applicant respectfully submits that neither Mankude nor any of the other cited references teaches or suggests **“breaking the datagram into fragments; and sending all of the fragments down the selected link”** as particularly claimed. Rather, for example, Mankude is concerned with reassembling data packets that are received from a source for transmission to a destination node. (See Fig. 1, item 133, col. 2, lines 10-27).

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims, and accordingly in condition for allowance.

Reconsideration is respectfully requested.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

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